

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

OWEN DIAZ,

Plaintiff,

v.

TESLA, INC. d/b/a TESLA MOTORS, INC.,

Defendant.

Case No. 3:17-cv-06748-WHO

[PROPOSED] JUDGMENT

On September 27, 2021, this matter came on for jury trial before the Hon. William H. Orrick. After a six-day jury trial, on October 4, 2021, the jury rendered a unanimous verdict in favor of plaintiff Owen Diaz and against defendant Tesla, Inc. and awarding Mr. Diaz One Hundred Thirty-Six Million, Nine Hundred Thousand dollars (\$136,900,000) in damages. (Dkt. 301.) The Court entered judgment in accordance with the jury's verdict. (Dkt. 307.)

On November 16, 2021, Defendant Tesla, Inc. moved for judgment as a matter of law, moved in the alternative for a new trial as to liability, and moved in the further alternative for remittitur or new trial as to damages. (Dkt. 317.)

On April 12, 2022, the Court denied Tesla's motion for new trial as to damages conditioned on Mr. Diaz accepting a remittitur to One Million, Five Hundred Thousand dollars (\$1,500,000) in compensatory damages and Thirteen Million, Five Hundred Thousand dollars (\$13,500,000) in punitive damages, for a total amount of Fifteen Million dollars (\$15,000,000). (Dkt. 328.)

On June 21, 2022, Mr. Diaz rejected the remittitur. (Dkt. 347.)

On June 27, 2022, the Court accordingly granted Tesla a new trial on damages. (Dkt. 348.)

1 On March 27, 2023, this matter came on for jury trial on damages before the Hon. William
2 H. Orrick. The action was tried for five days from March 27, 2023 to March 31, 2023. On April 3,
3 2023, the jury rendered a unanimous verdict. (Dkt. 463.)

4 The jury awarded Mr. Diaz past non-economic damages of One Hundred Thousand dollars
5 (\$100,000), future non-economic damages of Seventy-Five Thousand dollars (\$75,000), and
6 punitive damages of Three Million dollars (\$3,000,000), for a total amount of Three Million One
7 Hundred Seventy-Five Thousand dollars (\$3,175,000).

8 Judgment is hereby entered in accordance with the jury's verdict of October 4, 2021 as to
9 liability, and the jury's verdict of April 3, 2023 as to damages.

10 The Court shall retain jurisdiction to determine the additional amounts that Defendant Tesla,
11 Inc. shall be required to pay to Plaintiff Owen Diaz, as the prevailing party, for Plaintiffs' reasonable
12 statutory attorneys' fees, expenses, and costs, including expert fees.

13 Post-judgment interest at the rate provided by law shall accrue on the award of damages
14 commencing from the date of entry of this Judgment and shall accrue on the award of fees, expenses
15 and costs, commencing from the date such amounts are awarded.

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17 **IT IS SO ORDERED.**

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19 DATED: _____, 2023

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22 By _____
23 Hon. William H. Orrick
24 United States District Judge
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